

December 15, 2016

Mr. Henry Leskinen  
Eco-Science Professionals Inc.  
P O Box 5006  
Glen Arm MD 21057

Re: Cromwell Center, 809-10 Gleneagles Ct. 21286  
Forest Buffer Variance  
Tracking No. 05-16-2299

Dear Mr. Leskinen:

The Department of Environmental Protection and Sustainability (EPS) has completed a review of the request for a variance from Baltimore County Code Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains submitted for the above referenced property. The request proposes 31,675 square feet of continued or re-purposed uses and 3,370 square feet of new forest buffer impacts to add a child care building to an existing commercial site. The continued uses include two existing office buildings and the associated parking lot that cover most of the property. The majority of the proposed development is over existing parking lot. Minebank Run and a Minebank Run tributary (Use I waters) flow on or near the northeastern, eastern, and southern parts of the property. There are 1,195 square feet of forested buffer impacts, but there are no impacts proposed to the stream, non-tidal wetlands, or 100-year floodplain. The applicant proposes to provide 4,565 square feet of mitigation at an EPS approved off-site forest buffer mitigation bank.

This Department has reviewed the request, and has determined that a practical difficulty/unreasonable hardship does exist. Literal enforcement of the law would not allow for a practical expansion of commercial use of the property, and would not allow continued existing uses on portions of the property. The property was developed prior to the forest buffer law with grading near or up to the edge of the streams. It was developed for commercial uses and currently contains two office buildings with the majority of the site in parking lot with maintained grass or tree lines at the edges. New impacts to the forest buffer have been minimized to the extent possible when considering site constraints and the necessary improvements for construction of the proposed building. Therefore, the potential for impacts to water quality and aquatic resources as a result of the redevelopment of this property can be minimized with mitigative measures.

Based on this review, the proposed redevelopment and continued existing uses proposed within the required forest buffer on this property meet the requirements of Baltimore County Code Section 33-3-106. The approval is subject to the following conditions to minimize water quality impacts:

1. The following note must appear on all plans submitted for this project:

“On December 15, 2016, a variance was granted by the Baltimore County Department of Environmental Protection and Sustainability from Baltimore County Code Article 33, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains for new impacts to 3,370 square feet of forest buffer area on the referenced property for construction of a third building, and to allow the continuance of existing uses within the buffer. Conditions were placed on this variance to reduce water quality impacts.”

2. The proposed mitigation is acceptable. 4,565 square feet of forest buffer mitigation must be provided. Forest Buffer mitigation options include purchasing credits in an off-site forest buffer planting bank, or by providing mitigation at another off-site location approved by this Department. A letter approving use of an EPS approved forest buffer mitigation bank is attached for your use. Purchase of forest retention bank credits is not a mitigation option for forest buffer impacts. Details of all mitigation must be presented in a Forest Buffer Protection Plan (FBPP). The FBPP must be approved, and executed mitigation letters must be returned to this Department, prior to any permit approvals for this site.
3. “Forest Buffer-Do Not Disturb” signs shall be installed on the property adjacent to the streams. The location of the signs, and the sign specifications must be shown on the FBPP.
4. An Environmental Agreement shall be completed for any required securities related to the mitigation for the forest buffer impacts. The security shall be a minimum of \$0.25 per square foot of mitigation area for any planting, and shall be posted prior to grading permit approval.
5. “Orange high visibility fence shall be manually installed along the limits of disturbance adjacent to the streams and forest/tree areas. This shall be completed and the location of the fence approved by Baltimore County Department of Environmental Protection & Sustainability (EPS) prior to any permit approvals, or at the time of a preconstruction meeting. If any problems arise regarding the fence location, unnecessary equipment clearing, etc., no permit will be issued until the required corrections are completed to the satisfaction of Baltimore County EPS.” This note must be placed on all plans for this project, and must appear in the beginning, where appropriate, of the sequence of operations on the sediment control and grading plans.
6. The grading and sediment control plans must be reviewed and approved by this office.
7. All conditions of this variance must be completed to the satisfaction of this Department prior to any permit approvals for this project, unless otherwise stated above.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require approval of an amended variance request.

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Please have the property owner sign the statement at the end of this letter, and return the signed original of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Paul Dennis at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina  
Director

VJG: pad

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I/We agree to the above conditions to bring my/our property into compliance with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 3. Protection Of Water Quality, Streams, Wetlands, And Floodplains:

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Property Owner

Date

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Printed Name of Property Owner

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Contract Purchaser (If Applicable)

Date

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Printed Name of Contract Purchaser